

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

TYRONE SYKES

*

Plaintiff

*

v.

* Civil Action No.:

WICOMICO COUNTY, et al.

*

Defendants

*

* * * * *

ANSWER PRESENTING DEFENSES

Deputy Howard Phillips and Deputy John Allessandrini, two of the Defendants, by Allen, Karpinski, Bryant & Karp and Kevin Karpinski, their attorneys, in answer to Plaintiff's Amended Complaint, state as follows:

RULE 12(b)(6) DEFENSES

The Amended Complaint fails to state a claim upon which relief may be granted.

ANSWER

1. These Defendants are without knowledge or information sufficient to admit or deny the factual allegations contained in paragraph 1 and therefore, it is denied.
2. These Defendants deny, as phrased, paragraph 2.
3. These Defendants deny, as phrased, paragraph 3.
4. These Defendants deny the factual allegations contained in paragraph 4.

5. Paragraph 5 does not contain any factual allegations which these Defendants must admit or deny. To the extent there are any factual allegations contained in paragraph 5 which these Defendants must admit or deny, they are denied.
6. These Defendants deny, as phrased, the factual allegations contained in paragraph 6.
7. These Defendants are without knowledge or information sufficient to admit or deny the factual allegations contained in paragraph 7.
8. These Defendants are without knowledge or information sufficient to admit or deny the factual allegations contained in paragraph 8.
9. These Defendants are without knowledge or information sufficient to admit or deny the factual allegations contained in paragraph 9.
10. These Defendants deny, as phrased, the factual allegations contained in paragraph 10.
11. These Defendants deny, as phrased, the factual allegations contained in paragraph 11.
12. These Defendants deny, as phrased, the factual allegations contained in paragraph 12.
13. These Defendants deny, as phrased, the factual allegations contained in paragraph 13.
14. These Defendants deny, as phrased, the factual allegations contained in paragraph 14.

15. These Defendants deny the factual allegations contained in paragraph 15.
16. In response to paragraph 16, these Defendants adopt and incorporate herein their responses to paragraphs 1 through 15 as if fully set forth.
17. These Defendants deny the factual allegations contained in paragraph 17.
18. These Defendants deny the factual allegations contained in paragraph 18.
19. In response to paragraph 19, these Defendants adopt and incorporate herein their responses to paragraphs 1 through 18 as if fully set forth.
20. These Defendants deny the factual allegations contained in paragraph 20.
21. These Defendants deny the factual allegations contained in paragraph 21.
22. In response to paragraph 22, these Defendants adopt and incorporate herein their responses to paragraphs 1 through 21 as if fully set forth.
23. These Defendants deny the factual allegations contained in paragraph 23.
24. These Defendants deny the factual allegations contained in paragraph 24.
25. These Defendants deny the factual allegations contained in paragraph 25.
26. These Defendants deny the factual allegations contained in paragraph 26.
27. These Defendants deny the factual allegations contained in paragraph 27.
28. In response to paragraph 28, these Defendants adopt and incorporate herein their responses to paragraphs 1 through 27 as if fully set forth.
29. These Defendants deny the factual allegations contained in paragraph 29.
30. These Defendants deny the factual allegations contained in paragraph 30.
31. These Defendants deny the factual allegations contained in paragraph 31.

32. These Defendants deny the factual allegations contained in paragraph 32.
33. These Defendants deny the factual allegations contained in paragraph 33.
34. In response to paragraph 34, these Defendants adopt and incorporate herein their responses to paragraphs 1 through 33 as if fully set forth.
35. These Defendants deny the factual allegations contained in paragraph 35.
36. These Defendants deny the factual allegations contained in paragraph 36.
37. These Defendants deny the factual allegations contained in paragraph 37.
38. These Defendants deny the factual allegations contained in paragraph 38.
39. These Defendants deny the factual allegations contained in paragraph 39.
40. These Defendants deny the factual allegations contained in paragraph 40.
41. In response to paragraph 41, these Defendants adopt and incorporate herein their responses to paragraphs 1 through 40 as if fully set forth.
42. These Defendants deny the factual allegations contained in paragraphs 42 and 43.
43. In response to paragraph 44, these Defendants adopt and incorporate herein their responses to paragraphs 1 through 43 as if fully set forth.
44. These Defendants deny the factual allegations contained in paragraph 45.
45. These Defendants deny the factual allegations contained in paragraph 46.
46. These Defendants deny the factual allegations contained in paragraph 47.
47. These Defendants deny the factual allegations contained in paragraph 48.
48. These Defendants deny the factual allegations contained in paragraph 49.

49. In response to paragraph 50, these Defendants adopt and incorporate herein their responses to paragraphs 1 through 49 as if fully set forth.
50. These Defendants deny the factual allegations contained in paragraph 51.
51. These Defendants deny the factual allegations contained in paragraph 52.
52. These Defendants deny the factual allegations contained in paragraph 53.
53. In response to paragraph 54, these Defendants adopt and incorporate herein their responses to paragraphs 1 through 53 as if fully set forth.
54. These Defendants deny the factual allegations contained in paragraph 55.
55. These Defendants deny the factual allegations contained in paragraph 56.
56. In response to paragraph 57, these Defendants adopt and incorporate herein their responses to paragraphs 1 through 56 as if fully set forth.
57. These Defendants deny the factual allegations contained in paragraph 58.
58. These Defendants deny the factual allegations contained in paragraph 59.
59. In response to paragraph 60, these Defendants adopt and incorporate herein their responses to paragraphs 1 through 59 as if fully set forth.
60. These Defendants deny the factual allegations contained in paragraph 61.
61. These Defendants deny the factual allegations contained in paragraph 62.
62. These Defendants deny the factual allegations contained in paragraph 63.
63. These Defendants deny the factual allegations contained in paragraph 64.
64. These Defendants deny the factual allegations contained in paragraph 65.
65. In response to paragraph 66, these Defendants adopt and incorporate herein

their responses to paragraphs 1 through 65 as if fully set forth.

66. These Defendants deny the factual allegations contained in paragraph 67.

67. These Defendants deny the factual allegations contained in paragraph 68.

68. These Defendants deny the factual allegations contained in paragraph 69.

69. These Defendants deny the factual allegations contained in paragraph 70.

70. These Defendants deny the factual allegations contained in paragraph 71.

71. In response to paragraph 72, these Defendants adopt and incorporate herein their responses to paragraphs 1 through 71 as if fully set forth.

72. These Defendants deny the factual allegations contained in paragraph 73.

73. These Defendants deny the factual allegations contained in paragraph 74.

74. These Defendants deny the factual allegations contained in paragraph 75.

75. These Defendants deny the factual allegations contained in paragraph 76.

76. These Defendants deny the factual allegations contained in paragraph 77.

77. These Defendants deny the factual allegations contained in paragraph 78.

78. In response to paragraph 79, these Defendants adopt and incorporate herein their responses to paragraphs 1 through 78 as if fully set forth.

79. These Defendants deny the factual allegations contained in paragraph 80.

80. These Defendants deny the factual allegations contained in paragraph 81.

81. In response to paragraph 82, these Defendants adopt and incorporate herein their responses to paragraphs 1 through 81 as if fully set forth.

82. These Defendants deny the factual allegations contained in paragraph 83.

83. These Defendants deny the factual allegations contained in paragraph 84.
84. These Defendants deny the factual allegations contained in paragraph 85.
85. These Defendants deny the factual allegations contained in paragraph 86.
86. These Defendants deny the factual allegations contained in paragraph 87.
87. In response to paragraph 88, these Defendants adopt and incorporate herein their responses to paragraphs 1 through 87 as if fully set forth.
88. These Defendants deny the factual allegations contained in paragraph 89.
89. These Defendants deny the factual allegations contained in paragraph 90.
90. These Defendants deny the factual allegations contained in paragraph 91.
91. In response to paragraph 92, these Defendants adopt and incorporate herein their responses to paragraphs 1 through 91 as if fully set forth.

AFFIRMATIVE DEFENSES

92. Plaintiff assumed the risk.
93. Plaintiff was contributorily negligent.
94. Plaintiff consented.
95. Defendants' alleged acts or omissions were justified and privileged.
96. Defendants acted with probable cause.
97. Defendants at all times acted in good faith.
98. Defendants are immune from liability.
99. Plaintiff failed to provide notice under the Local Government Tort Claims Act.

100. Some or all of Plaintiff's claims are barred by the applicable statute of limitations.

ALLEN, KARPINSKI, BRYANT
& KARP

BY: _____ /s/
KEVIN KARPINSKI
Suite 1540
100 East Pratt Street
Baltimore, Maryland 21202
410-727-5000
Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of October 2005, a copy of the foregoing Answer Presenting Defenses was electronically filed with notice to:

Lamont B. Stewart, Esquire
Wescott, Luke & Rowe, LLC
220 East Main Street
Suite B
Salisbury, Maryland 21801

_____ /s/
Of Counsel for Defendants